

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

THE UNITED STATES for the use of)
GMW Fire Protection, Inc., an Alaska)
Corporation,)

Plaintiff,)

vs.)

KANAG'IQ CONSTRUCTION CO.,)
INC., an Alaska Corporation, and)
WESTERN SURETY COMPANY, a)
South Dakota Corporation,)

Defendants.) Case No. A05-170 CI (TMB)

**REPLY TO PLAINTIFF'S QUALIFIED NON-OPPOSITION TO
MOTION TO ALTER OR AMEND A JUDGMENT RE ATTORNEY'S FEES**

Defendants, KANAG'IQ CONSTRUCTION CO., INC. and WESTERN SURETY COMPANY, by and through their attorneys, Eide & Gingras, P.C., reply to Plaintiff's Qualified Non-Opposition to Defendants' Motion to Alter or Amend a Judgment Re Attorney's Fees. First, GMW's "non-opposition" is actually an opposition with regard to costs assessed against the surety. Defendants' request to modify the judgment was with regard to costs and fees assessed against Western. Defendants maintain their position that GMW cannot recover costs against Western for the reasons set forth in the underlying motion. Second, Defendants' motion did not add any language regarding joint and several liability, and it is unclear why GMW is now attempting to insert that language into the

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1 judgment. Defendants object to amending the judgment other than as requested in the
2 underlying motion, which is a request to correct the judgment to reflect that GMW cannot
3 recover attorneys' fees and costs against Western.

4 DATED at Anchorage, Alaska this 17th day of July, 2008.

5 EIDE & GINGRAS, P.C.
6 Attorneys for Defendants
7 Kanag'Iq Construction Co., Inc. and
8 Western Surety Company

9 By: s/Thomas S. Gingras
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17 **CERTIFICATE OF SERVICE**

18 I am a legal secretary employed by the law
19 firm of Eide & Gingras, P.C. That on this
20 17th day of July, 2008, I served

21 ☒ Electronically

22 a true and accurate copy of the foregoing
23 document upon the following counsel of record:

24 Sarah J. Tugman, Esq.
25 2509 Eide Street, Suite 4
Anchorage, AK 99503

EIDE & GINGRAS, P.C.

By: /s/Donna Charter

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